

1 TRACY L. WILKISON
United States Attorney
2 CHRISTOPHER D. GRIGG
Assistant United States Attorney
3 Chief, National Security Division
SOLOMON KIM (Cal. Bar No. 311466)
4 Assistant United States Attorney
Terrorism and Export Crimes Section
5 1500 United States Courthouse
312 North Spring Street
6 Los Angeles, California 90012
Telephone: (213) 894-2450
7 Facsimile: (213) 894-0104
E-mail: solomon.kim@usdoj.gov

8 Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 ROBERT RUNDO,
ROBERT BOMAN,
16 AARON EASON, and
TYLER LAUBE,

17 Defendants.
18

No. CR 18-759-CJC

STIPULATION REGARDING REQUEST FOR
(1) CONTINUANCE OF TRIAL DATE AND
(2) FINDINGS OF EXCLUDABLE TIME
PERIODS PURSUANT TO SPEEDY TRIAL
ACT

CURRENT T-MAX DATE:
April 19, 2022

PROPOSED TRIAL DATE:
December 13, 2022

19
20 Plaintiff United States of America, by and through its counsel
21 of record, the United States Attorney for the Central District of
22 California and Assistant United States Attorney Solomon Kim, and
23 defendant TYLER LAUBE ("LAUBE"), both individually and by and through
24 his counsel of record, Jerome Haig, and defendant AARON EASON
25 ("EASON"), both individually and by and through his counsel of
26 record, John McNicholas, (collectively "defendants") hereby stipulate
27 as follows:
28

1 1. The Indictment in this case was filed on November 1, 2018.
2 Defendant Robert Rundo first appeared before a judicial officer of
3 the court in which the charges in this case were pending on October
4 22, 2018. Defendant Robert Boman first appeared before a judicial
5 officer of the court in which the charges in this case were pending
6 on October 24, 2018. Defendant LAUBE first appeared before a
7 judicial officer of the court in which the charges in this case were
8 pending on October 24, 2018. Defendant EASON first appeared before a
9 judicial officer of the court in which the charges in this case were
10 pending on October 29, 2018.

11 2. In April 2019, defendants Rundo, Boman, and EASON moved to
12 dismiss the Indictment. In June 2019, defendant LAUBE likewise moved
13 to dismiss the Indictment. The Court subsequently granted both
14 motions and dismissed the Indictment.

15 3. The government timely appealed the Court's dismissal order,
16 and, on March 4, 2021, the Ninth Circuit reversed the Court's order
17 and remanded for further proceedings. The mandate issued on February
18 8, 2022. The Court held a status conference on March 3, 2022, where
19 it ordered the parties to file a stipulation to continue the trial
20 and a proposed case management order.

21 4. Defendants LAUBE and EASON are currently released, having
22 had their bonds exonerated previously following the Court's dismissal
23 of the indictment. Since the Ninth Circuit's reversal, defense
24 counsel for Rundo and Boman have been unable to reach and communicate
25 with their respective clients. The parties estimate that the trial
26 in this matter will last approximately four weeks. All defendants
27 are joined for trial and a severance has not been granted.

1 5. The Speedy Trial Act, 18 U.S.C. § 3161(e), requires that
2 the retrial commence on or before April 19, 2022. See 18 U.S.C. §
3 3161(e); United States v. Lloyd, 125 F.3d 1263, 1265 (9th Cir. 1997).

4 6. By this stipulation, defendants move to continue the trial
5 date to December 13, 2022 and the pretrial conference to December 5,
6 2022, and to set a motion schedule as follows: motions to be filed by
7 August 1, 2022; oppositions to be filed by August 15, 2022; replies
8 to be filed by August 22, 2022; and any motions hearing on September
9 26, 2022. This is the first request for a continuance since the
10 Ninth Circuit's mandate.

11 7. Defendants request the continuance based upon the following
12 facts, which the parties believe demonstrate good cause to support
13 the appropriate findings under the Speedy Trial Act:

14 a. Defendants are charged with violations of 18 U.S.C.
15 §§ 371 (Conspiracy) and 2101 (Riots). The government has made
16 available to the defense approximately 44,000 pages of discovery.

17 b. Defense counsel for defendant LAUBE is presently
18 scheduled to be in the following trials: (1) United States v. Vlha,
19 No. CR 19-343-GW, a gun distribution trial set for May 24, 2022 and
20 expected to last one week; (2) United States v. Lerma, No. CR 20-226-
21 JAK, a drug possession with intent to distribute trial set for July
22 26, 2022 and expected to last three days; (3) United States v.
23 Givens, No. CR 20-75-JAK, a multi-defendant wire fraud trial set for
24 July 26, 2022 and expected to last two weeks; (4) United States v.
25 Vuong, No. CR 19-275-ODW, a multi-defendant international drug
26 conspiracy trial set for August 2, 2022 and expected to last two
27 weeks; and (5) People v. Romo, No. BA475969, a multi-defendant murder
28 and conspiracy trial set for October 4, 2022 and expected to last two

1 months. Accordingly, counsel represents that he will not have the
2 time that he believes is necessary to prepare to try this case on or
3 before April 19, 2022.

4 c. Defense counsel for defendant EASON is presently
5 scheduled to be in the following trials: (1) United States v. Cruz,
6 No. CR 19-462-SVW, a twelve defendant crack cocaine conspiracy trial
7 set for June 7, 2022 and expected to last fourteen days; (2) United
8 States v. Taylor, No. CR 20-00075-JAK, a seven defendant wire fraud,
9 aggravated identity theft trial set for July 26, 2022 and expected to
10 last 12 days; (3) United States v. Shetty, No. CR 19-00527-ODW, a
11 seven defendant, physician Medicare fraud trial set for September 6,
12 2022 and expected to last 18 days; (4) United States v. Espinoza, No.
13 CR 19-00055-MWF, a RICO, drug conspiracy trial involving Vineland
14 Boys gang set for October 18, 2022 and expected to last three weeks;
15 (5) United States v. Armstrong, No. CR 19-195-ODW, a five defendant
16 pharmacy fraud trial set for November 15, 2022 and expected to last
17 nine days; (6) United States v. Dong, No. CR 19-00027-PSG, a three
18 defendant birth tourism case involving Chinese mothers set for
19 February 23, 2023 and expected to last 20 days; and (7) United States
20 v. Martinez, No. CR 19-117(A)-ODW, a multi-defendant capital case set
21 for March 28, 2023 and expected to last for several months.

22 Accordingly, counsel represents that he will not have the time that
23 he believes is necessary to prepare to try this case on or before
24 April 19, 2022.

25 d. In light of the foregoing, counsel for defendants also
26 represent that additional time is necessary to confer with
27 defendants, conduct and complete an independent investigation of the
28 case, conduct and complete additional legal research including for

1 potential pre-trial motions, review the discovery and potential
2 evidence in the case, and prepare for trial in the event that a
3 pretrial resolution does not occur. Defense counsel represent that
4 failure to grant the continuance would deny them reasonable time
5 necessary for effective preparation, taking into account the exercise
6 of due diligence.

7 e. Defendants believe that failure to grant the
8 continuance will deny them continuity of counsel and adequate
9 representation.

10 f. The government does not object to the continuance.

11 g. The requested continuance is not based on congestion
12 of the Court's calendar, lack of diligent preparation on the part of
13 the attorney for the government or the defense, or failure on the
14 part of the attorney for the Government to obtain available
15 witnesses.

16 8. For purposes of computing the date under the Speedy Trial
17 Act by which defendant's trial must commence, the parties agree that
18 the time period from the date of the Court issues the corresponding
19 order to December 13, 2022, inclusive, should be excluded pursuant to
20 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv) because
21 the delay results from a continuance granted by the Court at
22 defendant's request, without government objection, on the basis of
23 the Court's finding that: (i) the ends of justice served by the
24 continuance outweigh the best interest of the public and defendant in
25 a speedy trial; (ii) failure to grant the continuance would be likely
26 to make a continuation of the proceeding impossible, or result in a
27 miscarriage of justice; and (iii) failure to grant the continuance
28 would unreasonably deny defendant continuity of counsel and would

1 deny defense counsel the reasonable time necessary for effective
2 preparation, taking into account the exercise of due diligence.

3 9. Defense counsel for defendants Rundo and Boman have been
4 unable to reach and communicate with their respective clients.
5 Nonetheless, the stipulating parties agree that, pursuant to 18
6 U.S.C. § 3161(h)(6), the time period from the date of the Court
7 issues the corresponding order to December 13, 2022 constitutes a
8 reasonable period of delay for defendants Rundo and Boman, who are
9 joined for trial with codefendants LAUBE and EASON as to whom the
10 time for trial has not run and no motion for severance has been
11 granted.

12 10. Nothing in this stipulation shall preclude a finding that
13 other provisions of the Speedy Trial Act dictate that additional time
14 periods be excluded from the period within which trial must commence.
15 Moreover, the same provisions and/or other provisions of the Speedy
16 Trial Act may in the future authorize the exclusion of additional
17 time periods from the period within which trial must commence.

18 IT IS SO STIPULATED.

19 Dated: March 17, 2022

Respectfully submitted,

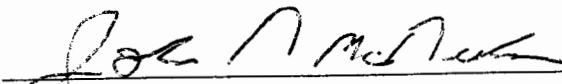
20 TRACY L. WILKISON
21 United States Attorney

22 CHRISTOPHER D. GRIGG
23 Assistant United States Attorney
Chief, Criminal Division

24 /s/
25 SOLOMON KIM
Assistant United States Attorney


26 Attorneys for Plaintiff
27 UNITED STATES OF AMERICA
28

1 I am AARON EASON's attorney. I have carefully discussed every
 2 part of this stipulation and the continuance of the trial date with
 3 my client. I have fully informed my client of his Speedy Trial
 4 rights. To my knowledge, my client understands those rights and
 5 agrees to waive them. I believe that my client's decision to give up
 6 the right to be brought to trial earlier than December 13, 2022 is an
 7 informed and voluntary one.

8 
 9 JOHN MCNICHOLAS
 10 Attorney for Defendant
 11 AARON EASON

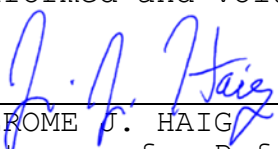
3/16/22
 Date

12 I have read this stipulation and have carefully discussed it
 13 with my attorney. I understand my Speedy Trial rights. I
 14 voluntarily agree to the continuance of the trial date, and give up
 15 my right to be brought to trial earlier than December 13, 2022.

16 
 17 AARON EASON
 18 Defendant

3-15-22
 Date


1 I am TYLER LAUBE's attorney. I have carefully discussed every
 2 part of this stipulation and the continuance of the trial date with
 3 my client. I have fully informed my client of his Speedy Trial
 4 rights. To my knowledge, my client understands those rights and
 5 agrees to waive them. I believe that my client's decision to give up
 6 the right to be brought to trial earlier than December 13, 2022 is an
 7 informed and voluntary one.

8 
 9 JEROME J. HAIG
 10 Attorney for Defendant
 11 TYLER LAUBE

March 15, 2022

Date

12 I have read this stipulation and have carefully discussed it
 13 with my attorney. I understand my Speedy Trial rights. I
 14 voluntarily agree to the continuance of the trial date, and give up
 15 my right to be brought to trial earlier than December 13, 2022.

16 
 17 Tyler Laube (Mar 15, 2022 11:13 PDT)
 18 TYLER LAUBE
 19 Defendant

Mar 15, 2022

Date